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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/698,642	10/31/2003	Yoshitaka Sekiguchi	8373.321US01	3366
23552	7590	01/30/2006	EXAMINER	
MERCHANT & GOULD PC P.O. BOX 2903 MINNEAPOLIS, MN 55402-0903			BROWN, DREW J	
			ART UNIT	PAPER NUMBER
			3616	

DATE MAILED: 01/30/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.		Applicant(s)	
	10/698,642		SEKIGUCHI, YOSHITAKA	
	Examiner		Art Unit	
	Drew J. Brown		3616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 December 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2-5 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2-5 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 October 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date: _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date: _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This office action is responsive to the amendment filed on 12/2/05. Claims 2-4 have been amended, claim 1 has been canceled and new claim 5 has been added.

Drawings

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the wall surfaces of the left and right mounting members must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.
2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: In Figure 3, reference numerals 130 and 133 are not mentioned in the description.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

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The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 2 and 5 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

5. Claim 5 recites the limitation "said left and right mounting parts" in line 7. There is insufficient antecedent basis for this limitation in the claim. This renders the claim indefinite because it is unclear to the Examiner whether the "mounting parts" are separate from the "mounting portions".

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 2 and 5 are rejected under 35 U.S.C. 102(b) as being anticipated by Haraguchi (U.S. Pat. No. 4,943,092).

With respect to claim 5, Haraguchi discloses a suspension arm mounting structure for attaching left and right suspension arms to a subframe (10) which is mountable to a main frame of a vehicle body comprising a transverse cross member (member between 14R and 14L) having a connecting portion (portion that connects brackets 22R and 22L that is located underneath the cross member and above plate 42) extending transversely of the subframe with left and right end portions (part of connecting portion above brackets 22R and 22L) contacting the subframe. One of the connecting portion and the left and right end portions of the connecting portion have left and right mounting portions (22R and 22L) in unity therewith, respectively, where the left and right mounting parts mount the left and right suspension arms thereto.

With respect to claim 2, the subframe is formed into a substantially rectangular shape (Fig. 1) with left and right side frame members (member between 14L and 12L, and member

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between 14R and 12R) and front and rear cross members (member between 12R and 12L, and member between 14R and 14L), where the transverse cross member extends between the left and right side frame members.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Haraguchi. Haraguchi discloses a frame with a center and that the left and right mounting members (20L and 20R) are provided at the transverse cross member (member between 12R and 12L) and extend downwardly (Fig. 1) from the cross member for mounting the left and right suspension arms thereto, where the left and right mounting members each have a wall surface facing the center of the frame. A connecting member (40) interconnects the left and right mounting members. The connecting member does not interconnect the wall surface facing the center of the frame; instead, it connects the wall surface facing away from the center. However, it would have been obvious to one having ordinary skill in the art at the time the invention was made to connect the connecting member (40) to the wall surface facing the center of the frame, since it has been held that rearranging parts of an invention involves only routine skill in the art. *In re Japikse*, 86 USPQ 70.

10. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Haraguchi in view of Matsumura et al. (JP 11-198623). Haraguchi discloses the claimed invention as discussed above but does not disclose that the connecting member has a bottom surface located below a bottom surface of a member to be protected. Matsumura et al. discloses that a fuel tank is mountable on the suspension system and lies above the front cross member (22 as shown in Fig. 12). Therefore, it would have been obvious to one having ordinary skill in the art at the time the

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invention was made to modify the invention of Haraguchi in view of the teachings of Matsumura et al. to have the bottom surface of a member be protected by the bottom surface of the connecting member so the forces acting on the underside of the vehicle would act on the connecting member rather than the cross member, which would increase the protection of the member to be protected, in this case a fuel tank.

Response to Arguments

11. Applicant's arguments filed 12/2/05 have been fully considered but they are not persuasive.

With respect to claim 5, the Applicant argues that a unitary member does not exist, and more particularly, that the cross member does not have a connecting portion with left and right portions contacting the subframe, and further having left and right mounting portions, all of which are in unity. However, Haraguchi discloses a cross member (member between 14R and 14L) having a connecting portion (portion that connects brackets 22R and 22L that is located underneath the cross member and above plate 42) with left and right end portions (part of connecting portion above brackets 22R and 22L) contacting the subframe. The left and right end portions of the connecting portion have left and right mounting portions (22R and 22L) in unity therewith.

With respect to claim 3, the Applicant argues that a connecting member does not interconnect wall surfaces facing the center of the frame. However, it would have been obvious to one having ordinary skill in the art at the time the invention was made to connect the connecting member (40) to the wall surface facing the center of the frame, since it has been held that rearranging parts of an invention involves only routine skill in the art.

Conclusion

12. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

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MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

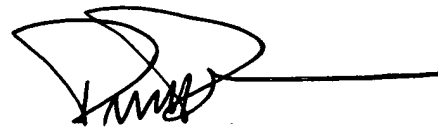
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Drew J. Brown whose telephone number is 571-272-1362. The examiner can normally be reached on Monday-Thursday from 8 a.m. to 4 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul N. Dickson can be reached on 571-272-6669. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Drew J Brown
Examiner
Art Unit 3616

DJB



DAVID R. DUNN
PRIMARY EXAMINER